REMEDIES

Immediate and Long-Term

A remedial schedule addressed to the deficiencies identified in The Transport Statute Book of Guyana: A Comprehensive Statutory and Regulatory Analysis

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Notices

The author is not admitted to practise law in Guyana, is not qualified to give legal advice on the law of Guyana, and does not give it. Every proposition of Guyanese law stated in this document, and in particular every statement that a given power is sufficient to support a given instrument, is a matter for Guyanese counsel and for the Chief Parliamentary Counsel.

The draft wording offered under each remedy is drafting instruction, not draft legislation. It is written to make the intended effect unambiguous to a drafter. It has not been settled by counsel, has not been checked for consistency with the Interpretation and General Clauses Act, and must not be laid before any authority in the form in which it appears here.

Nothing in this document is a finding, allegation or implication as to the cause of the loss of the MV Barima, as to fault, as to seaworthiness or as to whether the vessel was overloaded. Criminal proceedings are on foot and every person charged or named is entitled to the presumption of innocence. The remedies below are addressed to the state of the law and not to the conduct of any person.

Every enabling provision cited has been read in the authorised Laws of Guyana published by the Ministry of Legal Affairs, L.R.O. 1/2012 edition. The 2022 Revised Edition was presented to the National Assembly on 19 June 2026 and every citation must be checked against it before any instrument is prepared.

How This Document Is Organised

Thirty-six remedies are set out. Each is numbered, and each carries the same nine fields so that the reader may compare them directly.

Field	What it states
Deficiencies addressed	The item numbers in the consolidated deficiency schedule at Part IX of the full analysis
Enabling provision	The section or regulation under which the instrument would be made
Maker	The person or body who makes it
Parliamentary control	None, negative resolution, affirmative resolution, or primary legislation
Time to effect	The realistic minimum, assuming drafting capacity is available
Effect	What the instrument would do, in plain terms
Draft instruction	Proposed operative wording, for a drafter
Why this works	The reasoning that supports the choice of instrument
What it does not do	The residual gap left after the remedy, so that nothing is over-claimed

The three horizons

Immediate — Remedies I-1 to I-13

These require no step in the National Assembly at all. They are made either by the Minister alone under section 3 of the Government and Contract Steamer (Traffic) Act, Cap. 49:06, whose by-laws take effect on Gazette publication and have the force of an Act by virtue of section 10(1); or by the General Manager with the approval of the Minister under section 49(2) of the Transport and Harbours Act, Cap. 49:04.

They are capable of being made within weeks. Their limitation is that the first route reaches only Government steamers and the second only harbours.

Short term — Remedies S-1 to S-11

These require a resolution of the National Assembly, negative in most cases and affirmative under section 25(1) of the Shipping Casualties Act. They carry the main body of the reform: a domestic passenger vessel safety code, stability, load lines, deck cargo, capacity, manifest, manning, insurance and search and rescue.

They are capable of being made within months. Their limitation is that no regulation can cure a defect in the parent Act.

Long term — Remedies L-1 to L-12

These require primary legislation. They address the defects that no subsidiary instrument can reach: the collapse of operator and regulator, the exclusion of State ships from casualty

investigation, the absence of corporate liability, the absence of witness protection, and the condition of the consolidation itself.

A note on sequencing. The immediate remedies are not a substitute for the short-term ones and should not be presented as such. They exist because the short-term instruments will take months and the immediate ones can be in force in weeks. Making them creates a bridge; it does not close the gap.

Part A — Immediate

Remedies capable of being made without any step in the National Assembly.

I-1 Delete the State-vessel exemption from the Certificate of Seaworthiness

Deficiencies addressed 1, 3, 21

Enabling provision Transport and Harbours Act, Cap. 49:04, s. 49(2) and (j)

Maker The General Manager, with the approval of the Minister

Parliamentary control None

Time to effect Weeks

Effect

Regulation 6(1) of the Harbours Regulations 1939 provides that no vessel shall enter, leave or navigate a harbour without a Certificate of Seaworthiness. Regulation 6(2)(a) exempts "vessels belonging to the State". Deleting those words brings every State vessel within the certificate regime, which by regulation 3 requires a Harbour Master survey, twelve months' validity, and conditions stating the permitted purposes, the maximum number of persons, the minimum freeboard and the required equipment; by regulation 4 provides for re-survey and revocation; and by regulation 7 requires a public register.

Draft instruction

> *In regulation 6(2) of the Harbours Regulations, paragraph (a) is deleted. Any vessel belonging to the State which is in service on the day this regulation comes into force shall be surveyed under regulation 3 within ninety days of that day, and may continue in service during that period.*

Why this works

It is a deletion of six words from an existing instrument. It creates no new machinery, requires no new office, and imposes no cost beyond the survey itself. The regime it brings the vessel into already exists and is already administered by the Harbour Master for private vessels.

This is, in the author's assessment, the single highest-value step available anywhere in the statute book, and the cheapest.

What it does not do

It reaches only harbours. A vessel on passage between Georgetown and Region One is within a harbour at each end and outside one in between. It does not create a capacity standard of its own; it makes the Harbour Master state one on the certificate. It does not address the operator-regulator problem: the Harbour Master remains an officer of the Department that operates the vessels.

I-2 If the exemption is retained: impose the register-and-produce machinery

Deficiencies addressed 3

Enabling provision Cap. 49:04, s. 49(2)

Maker The General Manager, with the approval of the Minister

Parliamentary control None

Time to effect Weeks

Effect

This is the alternative to I-1 and should be pressed only if I-1 is refused. Guyanese law already knows how to exempt a State asset without losing sight of it. Section 3(4) of the Motor Vehicles Insurance (Third Party Risks) Act exempts a Government vehicle from compulsory insurance, and the regulations then require a Certificate of Ownership in Form E producible to police on demand, a register of the vehicles owned for which no policy has been obtained, and the furnishing of that register to the Commissioner of Police without charge.

The same technique applied to vessels would leave the exemption in place while making the exempt fleet visible.

Draft instruction

> *Where a vessel belonging to the State is exempt under regulation 6(2)(a), the Department shall (a) hold in respect of that vessel a certificate in the prescribed form stating her maximum number of persons, her minimum freeboard and her required equipment; (b) keep a register of every vessel belonging to the State in respect of which no Certificate of Seaworthiness is held; and (c) furnish that register, without charge, to the Harbour Master and to the Director on request.*

Why this works

It is a direct transposition of an existing Guyanese instrument that has operated since 1938. Its precedent is domestic, not international, and it therefore cannot be resisted as an imported standard unsuited to local conditions.

What it does not do

It does not impose a survey. It makes the absence of one visible and recorded, which is a lesser thing, and it should be described as such.

I-3 Fix a single binding maximum number of persons for each vessel

Deficiencies addressed 13, 14, 15

Enabling provision Cap. 49:06, s. 3; alternatively Cap. 49:04, s. 49(2)(w)

Maker The Minister (Cap. 49:06) or the General Manager with the Minister's approval (Cap. 49:04)

Parliamentary control None

Time to effect Weeks

Effect

Eight operative capacity rules, enacted between 1864 and 1939, produce different answers for the same vessel, and no provision states which governs. This remedy does not resolve the conflict between them, which requires primary legislation. It requires the operator to determine a single figure by the most restrictive of the applicable rules, to record how it was arrived at, and to display it.

Draft instruction

> *(1) The Department shall in respect of each Government steamer determine a maximum number of persons, being the lowest number yielded by any rule applicable to that vessel, and shall*

> *record in writing the rule applied and the calculation made. (2) That number shall be displayed legibly at each point of embarkation and in the wheelhouse. (3) No Government steamer shall depart with a number of persons on board exceeding the number so determined. (4) The number shall be reviewed on any change to the vessel's arrangement, machinery or equipment, and in any event at intervals of not more than twelve months.*

Why this works

It does not require the eight rules to be reconciled. It requires the operator to apply the most restrictive of them and to write down which one that was. That single record is what no inquiry has been able to obtain, and its absence is why the question "how many was she allowed to carry?" has no answer.

What it does not do

It leaves the underlying conflict of rules in place. It binds the operator, not the regulator, and a figure determined by the operator alone is open to the objection that the operator determined it.

I-4 Impose a duty of passenger accounting and a manifest

Deficiencies addressed 18, 19

Enabling provision Cap. 49:06, s. 3

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

Section 7(1) of the Passengers Act already requires the master, before clearance, to declare in writing the number, names, sex and age of every person on board, in a form appointed by the Director. No such form has been identified. This remedy supplies the operational machinery on the Government steamer side without waiting for the Director to appoint a form or for regulations under section 398 of the Guyana Shipping Act.

Draft instruction

> *(1) The Department shall designate in respect of each sailing a person responsible for the accounting of persons embarking, whose name shall be recorded. (2) That person shall cause a tally to be taken at the point of embarkation and shall reconcile it against tickets issued before the brow or ramp is landed. (3) A manifest stating the number, names, sex and age of every person on board, including crew and any person carried otherwise than as a fare-paying passenger, shall be signed by that person and by the master, timed, and lodged ashore with a named officer before departure. (4) A copy shall be retained on board in a place from which it may be recovered. (5) The manifest lodged ashore shall be preserved for not less than seven years.*

Why this works

It attaches the duty to a named individual for each sailing rather than to an office, which makes it auditable. Lodging ashore before departure is the provision that matters: a manifest that goes down with the vessel answers no question at all.

What it does not do

It reaches only Government steamers. Private vessels in the same trade remain governed by section 7(1) of the Passengers Act and by whatever form the Director may appoint.

I-5 Prohibit departure where persons exceed lifesaving capacity

Deficiencies addressed 13, 22

Enabling provision Cap. 49:06, s. 3

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

There is at present no operative provision anywhere in Guyanese law that prohibits a domestic passenger vessel from sailing with more people aboard than she has lifejackets or survival craft places. The 1896 First Schedule and the 1939 Second Schedule prescribe equipment lists framed in terms of aggregate buoyancy rather than places per person.

Draft instruction

> *No Government steamer shall depart from any place with a number of persons on board exceeding the lesser of (a) the number of lifejackets of the appropriate size carried and immediately accessible, and (b) the aggregate number of persons for whom places are provided in the survival craft carried. Lifejackets for children shall be counted only against persons for whom they are of the appropriate size.*

Why this works

It is a single arithmetical test that requires no survey, no calculation and no expert judgment. It can be applied by the master at the brow and verified by anyone. The proviso as to children's sizes closes the obvious evasion.

What it does not do

It sets no standard for what survival craft must be carried, only that persons may not exceed the places in whatever is carried. That standard requires regulations under section 251 or section 298 of the Guyana Shipping Act — Remedy S-3.

I-6 Require cargo to be secured and a stowage plan lodged

Deficiencies addressed 25

Enabling provision Cap. 49:06, s. 3; the Dangerous Goods By-Laws 1920 are precedent for a cargo-safety subject under this power

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

Section 316 of the Guyana Shipping Act confers a deck cargo power that has never been exercised. No modern securing or stowage standard applies to a domestic vessel. On a route serving a region

where internal road construction is generating vehicle movements, deck cargo is the growth category.

Draft instruction

> *(1) All cargo carried on a Government steamer shall be stowed and secured so as to withstand the accelerations reasonably to be expected on the intended voyage having regard to the season and the forecast conditions. (2) A stowage plan showing the disposition and weight of cargo, and of any vehicle carried, shall be prepared before departure, signed by the master, and lodged ashore with the manifest required by these by-laws. (3) No cargo shall be stowed so as to impede access to any survival craft, lifejacket stowage, escape route or means of closing any opening in the hull or superstructure. (4) No vehicle shall be carried unless secured to the deck by lashings appropriate to its weight.*

Why this works

The Government Steamers (Carriage of Dangerous Goods) By-Laws 1920 were made under this same section 3 power for a cargo-safety subject. That is direct precedent that the power is read widely enough to carry a stowage and securing instrument.

What it does not do

It provides no quantified acceleration criteria and no lashing calculation method. Those belong in a code made under section 316 — Remedy S-6. This provision requires the duty; the code would supply the numbers.

I-7 Establish a fitness-for-duty regime with a testing power

Deficiencies addressed 27

Enabling provision Cap. 49:06, s. 3; Cap. 49:04, s. 49(2)(w)

Maker The Minister; the General Manager with the Minister's approval

Parliamentary control None

Time to effect Weeks

Effect

There is at present no prescribed alcohol limit, no testing power and no analysis procedure applicable to any master, engineer or crew member of a vessel. Intoxication is an offence only for pilots, only on an observed standard, under regulations made in 1924. Road law has prescribed a numerical limit, a roadside test, an evidential two-specimen analysis and arrest without warrant since well before this casualty, and analysts were authorised by Gazette notice as recently as 16 May 2026.

Draft instruction

> *(1) No person shall perform, or hold himself in readiness to perform, any safety-critical duty on board a Government steamer while the proportion of alcohol in his breath exceeds thirty-five microgrammes in one hundred millilitres, or in his blood eighty milligrammes in one hundred millilitres, or while under the influence of any drug to such an extent as to impair the proper performance of that duty. (2) "Safety-critical duty" means the duties of master, deck officer, engineer officer, helmsman, lookout, and any person responsible for the loading, stowage or securing of cargo or for the accounting of persons embarking. (3) An officer authorised by the General Manager may at any time require a person performing or about to perform a safety-*

> *critical duty to provide a specimen of breath for a screening test. (4) The master, or in respect of the master the General Manager, shall stand down from duty any person who fails a screening test or who refuses without reasonable excuse to provide a specimen. (5) The vessel shall not depart if standing down that person leaves her without the persons necessary to her safe operation.*

Why this works

It adopts the numerical limit already prescribed for road use, which avoids any argument about where the figure came from and permits the use of instruments and analysts already authorised in Guyana. Subsection (5) is the provision that gives it teeth: without it, the pressure to sail defeats the standing-down power.

What it does not do

It creates a duty and a standing-down power, not a criminal offence. An offence requires a penalty annexed under section 6 of Cap. 49:06, and the ceiling there is low. A serious offence with a proportionate penalty requires primary legislation.

I-8 Impose hours of duty and minimum rest

Deficiencies addressed 26

Enabling provision Cap. 49:06, s. 3; Cap. 49:04, s. 49(2)(w)

Maker The Minister; the General Manager with the Minister's approval

Parliamentary control None

Time to effect Weeks

Effect

No hours-of-duty, rest or watchkeeping provision applicable to a vessel has been identified anywhere in the maritime statute book. Section 42 of the Motor Vehicles and Road Traffic Act has limited the driver of a bus or lorry since 1940. The model is domestic, it is old, and it is well understood.

Draft instruction

> *(1) No person shall be required or permitted to perform a safety-critical duty on board a Government steamer (a) for any continuous period exceeding six hours; (b) for periods amounting in aggregate to more than fourteen hours in any period of twenty-four hours; or (c) so that he has not at least ten hours of rest in any period of twenty-four hours, of which not less than six shall be consecutive. (2) Two or more periods shall be treated as continuous unless separated by an interval of not less than one hour in which the person is able to obtain rest and refreshment. (3) Time spent on work in connection with the vessel or her cargo, including loading, discharging and securing, shall be reckoned as time spent on duty. (4) A record of hours worked and rest taken by each person performing a safety-critical duty shall be kept and preserved for not less than two years. (5) It shall be a defence that the contravention was due to an emergency affecting the safety of the vessel or of any person, or to an unavoidable delay arising out of circumstances which could not reasonably have been foreseen.*

Why this works

The figures are drawn from the international watchkeeping norm rather than from section 42, because a vessel on a multi-day coastal passage cannot operate on a road pattern. The structure,

however, is section 42's: a continuous ceiling, a daily aggregate, a minimum rest, a break rule that defeats artificial splitting, the counting of cargo work as duty, and a foreseeability defence.

Subsection (3) is the provision that matters most on this route. Loading a self-discharging vessel at a river port is heavy work performed by the same people who then keep the watch.

What it does not do

It applies to Government steamers only. A general seafarers' hours regime requires regulations under section 105(2) or section 128 of the Guyana Shipping Act — Remedy S-9.

I-9 Require a pre-departure passenger briefing and crew drills

Deficiencies addressed 22

Enabling provision Cap. 49:06, s. 3

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

No provision requires a passenger on a Guyanese domestic vessel to be told where the lifejackets are or what to do. No provision requires the crew to have practised.

Draft instruction

> *(1) Before departure on each voyage the master shall cause every person on board to be informed, in English and in such other language as is appropriate to the persons carried, of (a) the location and method of donning of lifejackets; (b) the location of survival craft and of the assembly stations; and (c) the alarm signal. (2) A muster list assigning to each member of the crew a duty in an emergency shall be posted in a conspicuous place. (3) A drill of abandonment and of fire shall be held at intervals of not more than one month, and a record kept. (4) Records under this by-law shall be preserved for not less than two years.*

Why this works

It costs nothing but time, requires no equipment that is not already aboard, and produces a record that is capable of being audited. The requirement of an appropriate additional language is material on a route serving communities where English is not necessarily the first language.

What it does not do

It does not prescribe the survival craft, the lifejackets or the alarm system themselves. Those belong in the code under Remedy S-3.

I-10 Require a written authority to sail

Deficiencies addressed 5, 21

Enabling provision Cap. 49:06, s. 3

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

This is the single document that, if it existed, would answer most of the questions any inquiry must ask. It gathers the operational duties into one signed and timed record made before departure.

Draft instruction

> *(1) No Government steamer shall depart until the master has signed and timed an authority to sail certifying that (a) the number of persons on board has been counted and does not exceed the maximum determined under these by-laws; (b) that number does not exceed the lifejackets or survival craft places carried; (c) the cargo has been stowed and secured and the stowage plan lodged; (d) the manifest has been lodged ashore; (e) the machinery, steering and closing appliances have been reported to him as fit; (f) the persons performing safety-critical duties are within the hours permitted and have been found fit for duty; and (g) he has obtained and considered the current weather forecast for the intended voyage. (2) The authority to sail shall be lodged ashore with the manifest and preserved for not less than seven years. (3) Where the master is unable to certify any matter in paragraph (1) he shall record the reason and shall not depart without the written authority of the General Manager, which shall itself be preserved.*

Why this works

It converts a series of separate duties into one artefact with one signature and one time on it. Subsection (3) is the important one: it does not prohibit departure in every case, but it forces any decision to depart notwithstanding a deficiency to be made in writing by a named person at a level above the master. That is what protects the master, and it is what creates the record.

What it does not do

It has no effect if the General Manager's written authority is given routinely. That risk is real and should be addressed by requiring every such authority to be reported to the Director within twenty-four hours.

I-11 Require casualty reporting and the preservation of evidence

Deficiencies addressed 10, 11

Enabling provision Cap. 49:04, s. 49(2) and (j)

Maker The General Manager, with the approval of the Minister

Parliamentary control None

Time to effect Weeks

Effect

Regulation 15 of the Harbours and Pilotage Regulations 1924 is the only casualty provision applicable in a harbour. It requires notice within twelve hours to the Harbour Master, requires nothing to be reported about the persons on board, requires nothing to be preserved, and empowers the Harbour Master to raise, remove, destroy or sell the vessel with a personal immunity from suit.

The aeronautical regime on the same corridor requires that wreckage not be disturbed except to recover survivors, that access be controlled, that a photographer be designated, that medical evidence be preserved and that human remains not be moved without notifying the coordinator.

Draft instruction

> *(1) Regulation 15 is amended by inserting after paragraph (1) — "(1A) A report under this regulation shall state, so far as then known, the number of persons on board, the number accounted for, the number missing, the position of the casualty, and the nature of any cargo carried. (1B) No person shall disturb the vessel, her equipment, her machinery or her records except so far as is necessary to save life, to prevent danger to navigation or to prevent pollution, until the Director has authorised it in writing. (1C) The master, the owner and the Department shall preserve every record relating to the voyage, the loading, the manning and the maintenance of the vessel, and shall not destroy, alter or dispose of any such record."*

Why this works

It amends an existing regulation rather than creating a new instrument, and it does so under a power the General Manager already exercises. Paragraph (1B) preserves the three genuine exceptions — life, navigation, pollution — so it cannot be objected to as obstructing rescue or salvage.

What it does not do

It reaches only harbours, and the Harbour Master's disposal power in the substantive part of regulation 15 remains. It does not create an investigation; it preserves the material an investigation would need.

I-12 Make a published schedule that cannot be met evidence against the operator

Deficiencies addressed 26 and the frequency question generally

Enabling provision Cap. 49:06, s. 3

Maker The Minister

Parliamentary control None

Time to effect Weeks

Effect

Section 34(6) of the Motor Vehicles and Road Traffic Act provides that where an employer publishes a timetable under which a journey cannot practicably be completed without infringing the speed limit, the publication of that timetable is prima facie evidence that the employer procured or incited the offence. There is no maritime equivalent.

On a route where the service has run as infrequently as once every three to four weeks, the relationship between frequency and pressure to load is the question that no provision anywhere addresses.

Draft instruction

> *Where the Department publishes or issues a schedule of sailings, or gives directions, under which a voyage or any part of a voyage is to be completed within a specified time, and it is not practicable for that voyage to be so completed without a contravention of these by-laws, the publication or issue of that schedule or the giving of those directions may be produced as evidence that the Department required or permitted the contravention.*

Why this works

It transposes a domestic provision that has been on the statute book since 1940, so its language is settled and its operation understood. It shifts attention from the master, who is the person most easily blamed, to the person who set the conditions in which he worked.

What it does not do

It says nothing about frequency itself. A duty to provide a service of adequate frequency to a region with no road is a policy question and not a drafting one.

I-13 Publish a register of exempt vessels and of authorities to sail

Deficiencies addressed 3, 10

Enabling provision Cap. 49:04, s. 49(2)(w); Cap. 49:06, s. 3

Maker The General Manager with the Minister's approval; the Minister

Parliamentary control None

Time to effect Weeks

Effect

Regulation 7 of the Harbours Regulations already requires a public register of Certificates of Seaworthiness. Nothing requires publication of what is not certified. This remedy makes the exempt fleet, and any departure authorised notwithstanding a deficiency, a matter of record.

Draft instruction

> *The Department shall publish, and revise at intervals of not more than three months, a register stating in respect of each Government steamer (a) whether a Certificate of Seaworthiness is held and its date of expiry; (b) the maximum number of persons determined under these by-laws and the rule by which it was determined; (c) the date of the last survey and of the last drill; and (d) the number of authorities to sail given by the General Manager notwithstanding a deficiency in the preceding three months.*

Why this works

Publication is the cheapest enforcement mechanism available and the only one that does not depend on the regulator being independent of the operator. Where the two are the same body, the public is the only external check.

What it does not do

It changes no standard. It makes compliance visible.

Part B — Short Term

Remedies requiring a resolution of the National Assembly. These carry the main body of the reform.

S-1 Regulate embarkation and disembarkation at government wharves

Deficiencies addressed 16

Enabling provision Government Wharves Act, Cap. 49:05, s. 4(a)(iv), (b) and (c)

Maker The Minister

Parliamentary control Negative resolution

Time to effect Months

Effect

Section 4 permits regulation of the manner in which passengers land and embark at any government wharf, of the safety and preservation of the structure and the prevention of collisions and other accidents on it or in its vicinity, and generally of the safety and convenience of persons and vessels using government wharves. None of the four subsidiary instruments printed under the chapter exercises paragraph (b) or (c).

Section 4A(1), inserted in 1998, imposes on the Director and the Maritime Administration Department a clean and unqualified duty to enforce the Act and its subsidiary legislation. There is therefore an enforcement mechanism waiting for something to enforce.

Draft instruction

> *Regulations under section 4 providing for: the control of persons on a government wharf during embarkation and disembarkation; the counting of persons at the point of embarkation and the reconciliation of that count against tickets; the prohibition of embarkation after a stated closing time; the lighting and marking of the wharf edge and of any brow or ramp; the securing of any brow or ramp; the prohibition of the stowage of cargo so as to obstruct a means of access or egress; and the keeping of records of each of the foregoing.*

Why this works

It regulates the place rather than the vessel, and the place is where the count is taken. Morawhanna and Kumaka are listed wharves and are therefore already within the chapter.

What it does not do

Mabaruma and Port Kaituma are not listed in the Schedule and are outside the chapter until added — see Remedy S-2.

S-2 Add Mabaruma and Port Kaituma to the Schedule of government wharves

Deficiencies addressed 17

Enabling provision Cap. 49:05, s. 3

Maker The Minister, by notice in the Gazette

Parliamentary control None — a Gazette notice

Time to effect Weeks

Effect

The Schedule lists thirty-nine wharves. Morawhanna and Kumaka are listed. Mabaruma and Port Kaituma are not, and therefore fall outside the section 2 definition, outside the chapter's reach and outside the section 4A enforcement duty.

Draft instruction

> *Notice under section 3 declaring the wharves at Mabaruma and at Port Kaituma to be government wharves for the purposes of the Act, and adding them to the Schedule.*

Why this works

It is a Gazette notice under an express power. It costs nothing and takes effect on publication. It should be made before S-1, because S-1 is of limited use at the Region One end without it.

What it does not do

It brings the wharves within the chapter. It does not by itself impose any standard, which is S-1's function.

S-3 Make a domestic passenger vessel safety code

Deficiencies addressed 22, and the equipment aspects of 13

Enabling provision Guyana Shipping Act, Cap. 49:01, ss. 251 and 298

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

This is the central short-term remedy and the one that closes the largest gap. Section 298 empowers the Minister to prescribe safety requirements and to provide for the survey and issue of local safety certificates in respect of any ship or class of ship to which the Safety Convention does not apply. That is precisely a domestic ferry. The power has never been exercised.

Section 251 supplies the general safety-at-sea power, with a breach penalty of up to fifty thousand dollars.

Draft instruction

> *Regulations prescribing, in respect of Guyana passenger ships operating solely within Guyana waters: (a) survival craft and lifejackets by places per person on board, including children's sizes, and their stowage, marking, accessibility and launching arrangements; (b) buoyant apparatus, lifebuoys and lights; (c) means of raising the alarm and of communicating with persons on board; (d) radio and distress alerting equipment, including a distress beacon; (e) fire detection and extinguishing appliances; (f) means of closing openings in the hull and superstructure, and their operation and testing; (g) bilge pumping and alarms; (h) navigation lights and sound signals; (i) escape routes and their marking; (j) the survey of the foregoing before entry into service and at intervals of not more than twelve months; and (k) the issue, form, validity, suspension and revocation of a local safety certificate.*

Why this works

Section 298 is drafted precisely for the vessel class that has fallen between the two 2005 regulations — too large for one and expressly excluded as a passenger ship from the other. It requires no new enabling power and no primary legislation.

Paragraph (a) is the provision that converts Remedy I-5 from an arithmetical test into a standard: I-5 requires that persons not exceed the places carried, and S-3 fixes what must be carried.

What it does not do

It does not touch the State-vessel exemption in the Harbours Regulations, which is a different instrument under a different Act. Both are needed.

S-4 Prescribe stability information

Deficiencies addressed 23

Enabling provision Cap. 49:01, s. 290

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 290 requires stability information "as may be prescribed". Nothing has been prescribed. There is therefore no requirement that any Guyanese domestic vessel hold an approved stability book, that she be inclined, or that the master be given information he can use.

Draft instruction

> *Regulations requiring in respect of every Guyana passenger ship: (a) an inclining experiment before entry into service and after any alteration affecting her lightship weight or centre of gravity; (b) an approved stability information book in a form usable by the master, stating the loading conditions in which she may operate, the maximum permissible KG or minimum permissible GM, and the effect of free surface in each tank and on any vehicle deck; (c) compliance with the criteria of the International Code on Intact Stability 2008 or such modification of them as is appropriate to the intended service; (d) a record of the actual loading condition on each voyage; and (e) re-approval at intervals of not more than five years.*

Why this works

Paragraph (d) is the one that matters operationally. An approved book that is never compared against the actual condition tells nobody anything on the day.

What it does not do

It requires expertise Guyana may not currently hold in sufficient quantity. Naval architectural capacity for inclining experiments and stability approval is a supply question, and the regulation should provide for approval by a recognised organisation pending domestic capacity.

S-5 Make Load Line Regulations, including local certificates

Deficiencies addressed 24

Enabling provision Cap. 49:01, s. 302

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 302 permits Load Line Regulations including local Load Line Certificates for non-Convention ships. Nothing has been made. The Third Schedule to the Harbours Regulations conditions its capacity formula on the load line never being submerged, and the Fifth Schedule sets freeboard rules — but there is no instrument assigning a load line to a domestic vessel in the first place.

Draft instruction

> *Regulations providing for the assignment of freeboards and the marking of load lines on Guyana ships to which the Load Line Convention does not apply; for the conditions of assignment including the closing of openings, the protection of the crew and the freeing of water from the deck; for the issue, form, validity, suspension and revocation of a local Load Line Certificate; and prohibiting a ship from proceeding to sea loaded so that the appropriate load line is submerged.*

Why this works

It supplies the missing premise on which two existing 1939 Schedules already depend. Without an assigned load line, the proviso in the Third Schedule is unenforceable.

What it does not do

It is of limited use without S-4. A load line assigned without stability information is a mark on the side with no calculation behind it.

S-6 Regulate deck cargo

Deficiencies addressed 25

Enabling provision Cap. 49:01, s. 316

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 316 confers a deck cargo power that has never been exercised. Article I of the Hague Rules as enacted in Cap. 49:02 excludes deck cargo stated as such and so carried from the definition of "goods", so the cargo category most exposed on this route is also the one outside the protective regime.

Draft instruction

> *Regulations providing for: the maximum height and weight of deck cargo by reference to the vessel's approved stability information; the securing of deck cargo and of vehicles by lashings of stated strength; the calculation of securing arrangements against stated accelerations; the prohibition of deck cargo obstructing access to survival craft, lifejacket stowage, escape routes, closing appliances or freeing ports; the carriage of livestock; and the preparation, signature and lodging ashore of a stowage plan before departure.*

Why this works

It converts Remedy I-6 from a duty of general prudence into a measurable standard, and it does so for all vessels rather than Government steamers only.

What it does not do

It does not alter the exclusion of deck cargo from the Hague Rules, which is in Cap. 49:02 and requires primary legislation.

S-7 Regulate passenger particulars, capacity and terms of carriage

Deficiencies addressed 13, 14, 15, 18, 19, 20

Enabling provision Cap. 49:01, s. 398

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 398(1)(b) empowers the Minister to require the preparation and furnishing of particulars as to all passengers to or from a port in Guyana. Section 398(1)(c) empowers him to regulate the number of passengers a ship may carry from a port in Guyana, whether or not the ship is a passenger ship. Section 398(1)(d) permits the prescription of the terms and conditions upon which ships may carry passengers between ports in Guyana. Section 398(2) requires due regard to the Athens Convention 1974.

The width of paragraph (c) — "whether or not the ship is a passenger ship" — is deliberate and would close the gap between the two 2005 regulations in a single instrument.

Draft instruction

> *(1) Regulations under section 398(1)(c) prescribing a single method of determining the maximum number of persons a ship may carry, expressed to apply notwithstanding any other rule, and providing that where any other enactment yields a lower number, the lower number applies. (2) Regulations under section 398(1)(b) prescribing the form of the particulars required, the time before departure at which they are to be furnished, the person to whom they are to be furnished, the place at which they are to be held, and the period of preservation. (3) Regulations under section 398(1)(d) prescribing the terms and conditions of carriage, having due regard to the Athens Convention 1974, and providing that any term purporting to exclude or restrict liability for the death of or personal injury to a passenger shall be void.*

Why this works

Subsection (1) is the only provision available anywhere that can resolve the conflict of eight capacity rules without primary legislation, because paragraph (c) is expressed to reach any ship and can therefore be drafted to prevail. Subsection (3) transposes the void-contracting-out rule that already applies to a fare-paying road passenger under section 14(2) of Cap. 51:03.

What it does not do

Section 398(3) permits the Minister to waive or vary these regulations for licensed Guyana passenger ships operating solely within Guyana waters. That is a wide power to disapply the very instrument being made, and any regulation under section 398 should be accompanied by a stated policy on when the waiver will and will not be exercised.

S-8 Prescribe evidence of financial responsibility

Deficiencies addressed 33

Enabling provision Cap. 49:01, s. 10(4)

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 10(4) requires every Guyana ship trading in any waters, and every ship trading in or from Guyana waters, to provide evidence of financial responsibility against risks of damage to third parties, in such manner as may be prescribed. Section 10(5) creates an offence with a penalty of up to one hundred thousand dollars and a power of detention. Nothing has been prescribed, and the obligation is therefore unenforceable.

Draft instruction

> *Regulations prescribing: the form of evidence of financial responsibility; the minimum sums insured in respect of death of or personal injury to a passenger and in respect of other third-party liability; the classes of insurer or provider of security accepted; the certificate to be carried on board and produced on demand; the duty of the insurer to satisfy a judgment notwithstanding entitlement to avoid the policy; the transfer to the claimant of the insured's rights on insolvency; and the invalidity of any term restricting cover by reference to the number of persons carried or the condition of the vessel.*

Why this works

The last three limbs are transposed from sections 8, 10 and 14 of the Motor Vehicles Insurance (Third Party Risks) Act, which have operated in Guyana since 1938. The drafting is domestic and tested.

Section 14(1)(c) of that Act voids any term restricting the insurance by reference to the number of persons the vehicle carries. Transposed to sea, that provision means a passenger's claim survives even where the vessel was overloaded — which is precisely the case in which the claim is most likely to arise.

What it does not do

It is a regulation and can be revoked. Compulsory passenger liability cover on a durable footing belongs in an Act — Remedy L-8.

S-9 Prescribe safe manning, certification and seafarers' hours

Deficiencies addressed 26, 28

Enabling provision Cap. 49:01, ss. 51, 105(2), 117, 128, 163

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 105(2) confers a wide safe manning and certification power. Section 51 permits regulation of manning and of the examination and certification of skippers, mechanics and deckhands. Section 128 covers conditions of service and section 163 medical examination. Between them they support a complete crewing instrument.

Draft instruction

> *Regulations providing for: the issue of a safe manning document specifying the number and grades of persons to be carried on each ship; minimum ages for each certificate, and in particular a minimum age for a certificate of competency as master of a coasting vessel; the examination, certification, revalidation, suspension and revocation of certificates; a periodic medical examination including eyesight and hearing; hours of duty and minimum rest for persons performing safety-critical duties; and the keeping and preservation of records of hours and of certificates held.*

Why this works

It generalises Remedy I-8 beyond Government steamers, and it closes the minimum-age gap: the 1896 certificate of competency for a coasting master prescribes no minimum age at all, while a person may not drive a bus in Guyana at seventeen.

Revalidation and revocation matter as much as issue. The home trade certificate has no suspension power in its own instrument.

What it does not do

Certification capacity is a supply constraint, not a drafting one. The pool of qualified Guyanese senior officers is small, and any manning instrument should provide a transitional period and a route to certification for serving officers.

S-10 Make regulations for vessels on coasting voyages

Deficiencies addressed 8, 13, 21

Enabling provision Shipping Casualties Act, Cap. 49:07, s. 25(1)

Maker The Director

Parliamentary control Affirmative resolution

Time to effect Six to twelve months

Effect

Section 25(1) empowers the Director, subject to affirmative resolution, to make regulations for vessels on coasting voyages. That power is not subject to the exclusion of State ships in section 3 of the same Act, which is confined to Part I.

This is therefore one of the few routes by which a State vessel can be reached on a coasting voyage without primary legislation, and it is the route by which the 1896 Coasting and Passenger Trade Regulations would be replaced.

Draft instruction

> *Regulations revoking and replacing the Coasting and Passenger Trade Regulations 1896, providing for: the annual survey of every vessel on a coasting voyage, her boats and equipment; the certification of the number of persons; the marking of the vessel with her licence number and*

> *certified number of persons; the equipment to be carried, by reference to the code made under section 298; the qualification of masters; and the consequences of a failure to make good defects identified on survey.*

Why this works

Affirmative resolution is the highest level of parliamentary control and is therefore the slowest route. Its compensating advantage is that it produces an instrument with the clearest possible democratic mandate, made by the Director rather than by the operator's Minister, and reaching State vessels.

What it does not do

Section 3 continues to exclude State ships from the investigation machinery in Part I. Regulations under section 25 cannot cure that.

S-11 Provide for the administration of maritime search and rescue

Deficiencies addressed 37, 38, 39

Enabling provision Cap. 49:01, s. 452(e)

Maker The Minister

Parliamentary control Negative resolution

Time to effect Six to twelve months

Effect

Section 452(e) confers power to provide for the control of ships, the regulation of maritime traffic and the administration of maritime search and rescue within Guyana waters. It has never been exercised. The entire maritime search and rescue provision of Guyanese law is regulation 42(2) of 1924, directing the Harbour Master to send a competent pilot.

A functioning architecture already exists on the aviation side. The Guyana Search and Rescue Region is defined by coordinates and expressly includes territorial waters. The Maritime Administration Department is a member of the National SAR Committee and a signatory to a Letter of Agreement. A Guyana National SAR Plan is referred to as operative.

Draft instruction

> *Regulations providing for: the designation of a Maritime Rescue Coordination Centre and its hours of operation; the designation of a maritime search and rescue region by coordinates; phases of emergency — uncertainty, alert and distress — with the criteria and elapsed times on which each is declared; the appointment and functions of a search and rescue mission coordinator and an on-scene coordinator; the duty of a vessel to report an overdue or missing vessel; the alerting of vessels in the vicinity; the maintenance of a chronological log and the making of situation reports at stated intervals; arrangements with the Guyana Defence Force Coastguard, the Police Force, the Fire Service and the Guyana Civil Aviation Authority; the criteria for suspension of a search and the duty to inform relatives; the holding of coordination exercises at least annually and a full-scale exercise at least once in two years; and the holding of a review meeting after every operation.*

Why this works

Every element listed already exists in the Aeronautical Search and Rescue Plan and can be transposed rather than invented. The maritime volume of the international IAMSAR manual is already applied in Guyana — inside the aviation regulator's plan.

What it does not do

Regulations can designate a centre; they cannot by themselves create a statutory authority with its own duties, powers and funding. That is Remedy L-3.

Part C — Long Term

Remedies requiring primary legislation. These address the defects that no subsidiary instrument can reach.

L-1 Separate the operator from the regulator

Deficiencies addressed 5, 6, 7

Instrument Amendment of the Transport and Harbours Act, Cap. 49:04

Parliamentary control Primary legislation

Time to effect One to two years

Effect

Section 3(3) collapses the roles of owner and regulator inside the Director's office. The Department operates the State's vessels and the same statutory chain supervises them. Section 45 confers a nullification power on the General Manager and section 53 exempts officers from personal responsibility.

This is the central structural defect of the Guyanese maritime framework. No regulation can cure it, because every regulation is made by or with the approval of the same actors.

Draft instruction

> *Amendment providing that: (a) the regulatory functions of survey, certification, detention, casualty investigation and the licensing of officers in respect of Government vessels are exercisable only by the Maritime Administration Department and not by the Transport and Harbours Department or any officer of it; (b) no person holding office in the Transport and Harbours Department may exercise, or take part in the exercise of, any such function; (c) the exemption from personal responsibility in section 53 does not extend to a failure to exercise a regulatory function; and (d) the Maritime Administration Department shall report annually to the National Assembly on its exercise of those functions in respect of Government vessels.*

Why this works

Paragraph (d) is the provision that makes the separation durable. Structural separation on paper is reversible by administrative practice; an annual report to the National Assembly is not.

What it does not do

Separation does not by itself create regulatory capacity. Surveyors, examiners and investigators must exist, be trained and be paid, and no amendment supplies them.

L-2 Repeal and replace the Shipping Casualties Act

Deficiencies addressed 8, 9, 10, 11

Instrument A new Marine Casualty Investigation Act, repealing Cap. 49:07

Parliamentary control Primary legislation

Time to effect One to two years

Effect

Section 3 provides that Part I does not apply to a ship belonging to or in the service of the State. Section 5(4) still directs reports to the Board of Trade of the United Kingdom. The Act dates from 1883.

Draft instruction

> *A new Act providing for: an independent marine casualty investigation function, separate from the operator and from the regulator, applying to all ships including ships belonging to or in the service of the State; the purpose of investigation to be the prevention of future casualties and not the apportioning of blame or liability; powers to require the production of documents, to take statements, to enter and inspect a ship, to require the preservation of evidence and to prohibit interference with a wreck; the protection of evidence given, including its inadmissibility in other proceedings save on a prosecution for perjury; protection of a person giving evidence against dismissal or other detriment; a duty to publish every report; a duty on the addressee of a recommendation to respond in writing within a stated period and to publish that response; and the giving of effect to the IMO Casualty Investigation Code.*

Why this works

The purpose clause is the load-bearing provision. Once the statutory purpose is prevention rather than blame, the protection of evidence follows naturally rather than appearing as an indulgence to witnesses.

The duty to respond to recommendations is what converts a report into change. The Renwick Commission into the loss of the MV Christena is the Caribbean precedent, and what made it useful was the documented implementation record over the following decades.

What it does not do

It does not resolve the relationship between an investigation whose purpose is prevention and criminal proceedings whose purpose is blame. That relationship must be addressed expressly, and it is the point at which such Bills usually fail.

L-3 Establish a maritime search and rescue authority on a statutory footing

Deficiencies addressed 37, 38, 39

Instrument Amendment of Cap. 49:01 or a free-standing Act; accession to or implementation of the SAR Convention 1979

Parliamentary control Primary legislation

Time to effect One to two years

Effect

The Maritime Rescue Coordination Centre exists administratively and coordinated sixteen vessels in the response to this casualty. It has no statutory basis, no statutory duties, no statutory powers and no dedicated funding.

Aviation, by contrast, has an entire Part of its principal Act headed Search and Rescue, imposing on the Authority a duty to arrange for the establishment and provision of the service.

Draft instruction

> *Provisions imposing on a named authority a duty to establish and provide search and rescue services within a maritime search and rescue region; conferring power to task State vessels and*

> *aircraft and to request the assistance of any vessel; conferring power to require a vessel to report her position; providing for the funding of the service; requiring the maintenance of a national maritime search and rescue plan and its integration with the national plan referred to in the Aeronautical Search and Rescue Plan; and requiring an annual report on operations, exercises and readiness.*

Why this works

The power to task and to request assistance is the operative one. In this casualty the response depended on private vessels and local fisherfolk. Regulation 42(2) of 1924 confers no power to task them, and nothing requires that lifesaving appliances accompany a vessel sent to a distress scene — a point the aeronautical plan expressly provides for and the maritime side does not.

What it does not do

Legislation does not buy boats, aircraft, radios or crews. The statutory footing makes the service durable and fundable; it does not make it capable.

L-4 Create liability for offences committed by bodies corporate

Deficiencies addressed 30

Instrument Amendment of Cap. 49:01

Parliamentary control Primary legislation

Time to effect One year

Effect

There is no offences-by-bodies-corporate provision anywhere in the Guyana Shipping Act. Where an offence is committed by a company or a department, there is no mechanism for attributing it to a director, manager, secretary or officer.

Draft instruction

> *Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence. Where the affairs of a body corporate are managed by its members, this section applies to a member as if he were a director. This section applies to an unincorporated body and to a department of Government, and in the case of a department the reference to a director is a reference to the officer having management of the relevant function.*

Why this works

It is standard Commonwealth drafting and will be familiar to Guyanese counsel. The extension to a Government department in the third limb is the provision that matters here and is the one most likely to be resisted.

What it does not do

It attributes liability for existing offences. It creates none, and the existing maritime offences are few and lightly penalised.

L-5 Create a penalty-uprating mechanism

Deficiencies addressed 31

Instrument Amendment of Cap. 49:01 and Cap. 49:04

Parliamentary control Primary legislation

Time to effect One year

Effect

Section 49(4) of Cap. 49:04 caps regulation penalties at forty-eight thousand seven hundred and fifty dollars, with no uprating mechanism. That is why the 1920 dangerous goods by-law penalty remains seventy-five dollars, the 1924 Rules one hundred and fifty, the 1939 certificate fee one dollar and the 1896 inspection fee five dollars.

Section 39 of the Roads Act, Cap. 51:01, permits the Minister by negative-resolution regulation to amend any fine prescribed or annexed by that Act or by any regulation made under it. The model is domestic.

Draft instruction

> *Provision on the model of section 39 of the Roads Act permitting the Minister, by regulation subject to negative resolution, to amend any fine prescribed or annexed by the Act or by any regulation or by-law made under it; and raising the ceiling in section 49(4) of Cap. 49:04 to a figure proportionate to the harm the regulations address.*

Why this works

Citing a Guyanese precedent rather than an international one removes the objection that the reform is imported. The Roads Act has carried this power for years.

What it does not do

Uprating a penalty does not make it enforced. Section 445 of Cap. 49:01 permits compounding, which allows regulatory breaches to be resolved without prosecution, adjudication or public record, and it is not excluded for safety-of-life offences.

L-6 Protect witnesses and provide use immunity

Deficiencies addressed 11

Instrument The new Act under L-2; amendment of the Commissions of Inquiry Act, Cap. 19:03

Parliamentary control Primary legislation

Time to effect One to two years

Effect

Section 12(3) of Cap. 19:03 provides that a person giving evidence before a commission shall not be compellable to incriminate himself and is entitled to the privileges of a High Court witness. That is a privilege to refuse, not immunity from the use of evidence elsewhere.

Where criminal proceedings run in parallel, any person implicated may decline to answer, and the commissioners' High Court powers stop at that point. There is no mechanism for obtaining evidence in exchange for immunity.

Draft instruction

> *Provision that a statement made by a person in the course of an inquiry or investigation under this Act shall not be admissible in evidence against that person in any civil or criminal proceedings, other than proceedings for perjury or for an offence against this Act; that no person shall be dismissed, disciplined, demoted or otherwise subjected to detriment by reason of having given evidence or provided information; and that a person so subjected may apply to the court for reinstatement and compensation.*

Why this works

Without use immunity, an inquiry whose terms of reference include a power to refer evidence of criminal negligence is an inquiry whose most important witnesses have a statutory answer to every difficult question. The protection against detriment matters as much: many of the witnesses who could explain how a service actually operated are employees of the operator.

What it does not do

Use immunity is contentious where deaths have occurred and will be presented as protecting the culpable. The answer is that its purpose is to establish what happened so that it does not happen again, and that prosecutions rest on independently obtained evidence.

L-7 Create an offence of causing death by reckless navigation

Deficiencies addressed 29

Instrument Amendment of Cap. 49:01

Parliamentary control Primary legislation

Time to effect One year

Effect

There is no offence of causing death by reckless navigation anywhere in the maritime statute book. The nearest analogue is section 26 of Cap. 49:07 — sending an unseaworthy ship to sea, two years, with the consent of the Director of Public Prosecutions required.

Section 35 of the Motor Vehicles and Road Traffic Act punishes causing death by reckless or dangerous driving with ten years' imprisonment on indictment.

Draft instruction

> *A person who causes the death of another by navigating or operating a ship recklessly, or in a manner dangerous to persons on board or to other users of the waters, having regard to all the circumstances, commits an offence and is liable on indictment to imprisonment for ten years. A person who, being responsible for the loading, stowage or manning of a ship, causes the death of another by an act or omission in that respect which falls far below what would be expected of a reasonable person in that position, commits an offence and is liable on indictment to imprisonment for ten years.*

Why this works

The second limb is the one this route requires. Loading, stowage and manning decisions on a coastal ferry are not made by the person navigating her, and an offence confined to navigation would reach the wrong person.

What it does not do

Creating an offence addresses conduct after the fact. It does not supply the standards against which conduct is measured, which are Remedies S-3 to S-9.

L-8 Make passenger liability cover compulsory

Deficiencies addressed 33, 34, 35, 36

Instrument Amendment of Cap. 49:01 or a free-standing Act on the model of Cap. 51:03

Parliamentary control Primary legislation

Time to effect One to two years

Effect

A fare-paying passenger in a Guyanese minibus is covered by compulsory insurance under an Act of 1937; the insurer must satisfy a judgment notwithstanding entitlement to avoid the policy; overloading and unroadworthiness cannot defeat the claim; and a contract restricting liability for that passenger's death is void.

A fare-paying passenger on a Guyanese ferry has none of this. Section 10(4) of Cap. 49:01 supplies a power that has never been exercised, and section 398(2) requires only that the Minister have due regard to the Athens Convention when making regulations he has never made.

Draft instruction

> *An Act on the model of the Motor Vehicles Insurance (Third Party Risks) Act providing for: compulsory insurance or other financial security in respect of the death of or personal injury to a passenger carried for hire or reward; the certificate to be carried and produced on demand; the duty of the insurer to satisfy a judgment notwithstanding entitlement to avoid or cancel; the transfer of the insured's rights to the claimant on insolvency; the invalidity of any policy term restricting cover by reference to the number of persons carried, the condition of the vessel or the qualification of the crew; the voidness of any contract term restricting liability for a passenger's death or personal injury; and, if the State is to be exempt, a register of exempt vessels and a duty of production on the model of regulation 9(2) of the Motor Vehicles (Third-Party Risks) Regulations.*

Why this works

Every limb has operated in Guyana since 1938 in the road context. The Bill can be presented as extending an existing domestic protection to a class of passenger presently outside it, which is a materially easier proposition than importing a convention.

The final limb is the answer to the objection that the State cannot insure its own fleet. Road law has resolved that objection: the State is exempt, and the exemption is registered and produced.

What it does not do

It does not resolve the caps question. The road caps of twenty-five thousand dollars per person and one hundred and twenty-five thousand per accident were set in 1985 and have not moved in forty-one years. A maritime Act should carry an uprating power.

L-9 Remove the exclusion of Amerindians from the vessel licence

Deficiencies addressed 52

Instrument Amendment of the Tax Act, Cap. 80:01

Parliamentary control Primary legislation

Time to effect One year

Effect

Section 33(1) opens "Every person not being an Amerindian, who uses, or permits to be used for coastal or river trade any vessel or boat being twenty-five feet or over in length over all shall take out an annual licence".

Because the 1896 Coasting Regulations attach the survey requirement to the issue of that licence, the survey and capacity chain does not reach a vessel operated by an Amerindian — on the rivers where most such vessels work, and in the region this route serves.

Draft instruction

> *In section 33(1) of the Tax Act the words "not being an Amerindian" are deleted. Provision may be made by regulation for the remission or reduction of licence duty in respect of a vessel used wholly or mainly for subsistence, domestic or community purposes.*

Why this works

The exclusion appears to have been intended as a fiscal concession. The second limb preserves the concession in a form that does not carry the safety consequence, so the amendment need not be presented as the withdrawal of a benefit.

What it does not do

Bringing a class of vessel within a survey regime that lacks the capacity to survey them is of no value. The amendment should be commenced only when survey capacity in Region One exists.

L-10 Consolidate and rationalise the capacity rules

Deficiencies addressed 13, 14

Instrument Amendment of Cap. 49:01 and Cap. 49:03; repeal of the superseded rules

Parliamentary control Primary legislation

Time to effect One to two years

Effect

Eight operative rules, enacted between 1864 and 1939, produce different answers and no provision states which governs. The ceiling rests on "registered tonnage", a term Cap. 49:03 does not define. Remedy S-7 can make one rule prevail by regulation; only primary legislation can repeal the others.

Draft instruction

> *Provision defining "registered tonnage" for the purposes of Cap. 49:03; providing that the number of persons a ship may carry shall be determined solely in accordance with regulations made under section 398(1)(c) of the Guyana Shipping Act; and repealing or amending accordingly section 6 of the Passengers Act, regulations 11 to 13 of the Coasting and Passenger Trade Regulations, regulations 18 and 19 of the River Navigation Regulations and the Third Schedule to the Harbours Regulations.*

Why this works

A single determinative rule is the only condition in which the question "how many was she allowed to carry?" has one answer. Until then any inquiry must first decide which rule applied, and that is a question of law on which reasonable people may differ.

What it does not do

Repeal must follow, not precede, the making of the replacement regulation. Repealing eight rules before one replacement exists would leave no rule at all.

L-11 Define "commercial purposes" and settle the application of the Act

Deficiencies addressed 1, 2

Instrument Amendment of Cap. 49:01, s. 3

Parliamentary control Primary legislation

Time to effect One year

Effect

Section 3(1)(a) excludes Guyana Government ships operated for non-commercial purposes. Neither "commercial purposes" nor "non-commercial purposes" is defined anywhere in the Act. The application of the whole Act to the entire Government fleet turns on an undefined phrase.

Meanwhile regulation 6(2)(a) of the Harbours Regulations exempts "vessels belonging to the State" on ownership alone. Two statutes administered within one Ministry apply two different tests and nothing reconciles them.

Draft instruction

> *Provision that a Government ship is operated for commercial purposes if any person is carried on her for a fare or other consideration, or if any goods are carried on her for freight or other consideration, whether or not the undertaking is operated at a profit and whether or not the consideration is received by the Government; and that regulation 6(2)(a) of the Harbours Regulations shall be construed as exempting only a Government ship not operated for commercial purposes within the meaning of section 3.*

Why this works

The words "whether or not the undertaking is operated at a profit" are the operative ones. A subsidised lifeline service run at a loss is the case in which the argument will be made, and it should be foreclosed on the face of the Act.

The second limb aligns the two exemptions without amending the 1939 instrument, which is a General Manager's regulation.

What it does not do

If Remedy I-1 has already deleted regulation 6(2)(a), the second limb is unnecessary.

L-12 Repair the consolidation

Deficiencies addressed 46, 47, 48, 49, 50, 51

Instrument Action under the Law Revision Act, Cap. 2:02; a direction to the Law Revision Commission

Parliamentary control Primary legislation or administrative direction

Time to effect One to two years

Effect

Five chapters state that they contain no subsidiary legislation and then record that it has been omitted. In the Roads Act the Schedule of public roads, on which the definition of "road" and every road traffic offence depends, is itself omitted. In the Maritime Zones Act the Schedule of Amended Laws made operative by section 54(1) is physically absent. Two maritime Acts of 2025 appear in no maritime chapter at all. Section numbering in the editions of Cap. 49:04 and Cap. 51:02 in general circulation differs from the authorised text.

Draft instruction

> *Direction that the Law Revision Commission (a) publish every item of subsidiary legislation omitted from the L.R.O. 1/2012 edition, with its instrument number and date; (b) publish the Schedule of public roads and the Schedule of Amended Laws; (c) publish a concordance of section numbers between the editions of Cap. 49:04 and Cap. 51:02 in circulation and the authorised text; (d) incorporate the Acts of 2025 into the appropriate chapters; and (e) publish and maintain an index of legislation not yet consolidated.*

Why this works

None of it requires new policy. It requires publication of material that already exists. The concordance in paragraph (c) is the cheapest item and prevents the largest number of errors, because published commentary has already relied on superseded numbering.

What it does not do

It does not answer whether the 2022 Revised Edition, presented to the National Assembly on 19 June 2026, has altered any provision relied upon. That must be checked directly.

Part D — Sequencing

The order below is proposed on the basis that each step should be capable of being taken without waiting for any later one, and that no step should create an obligation that cannot be met.

Phase	Remedies	Instrument type	Elapsed
1	S-2 (add wharves); I-1 (delete State exemption); I-3 (fix one capacity figure); I-4 (manifest); I-5 (lifejacket test); I-10 (authority to sail)	Gazette notice; General Manager's regulation; Minister's by-laws	0–3 months
2	I-6 (cargo securing); I-7 (fitness for duty); I-8 (hours); I-9 (briefing and drills); I-11 (casualty reporting); I-12 (schedule pressure); I-13 (published register)	Minister's by-laws; General Manager's regulation	0–6 months
3	S-1 (wharf regulations); S-8 (financial responsibility); S-11 (search and rescue)	Negative resolution	3–12 months
4	S-3 (safety code); S-4 (stability); S-5 (load lines); S-6 (deck cargo); S-7 (capacity and manifest); S-9 (manning)	Negative resolution	6–18 months
5	S-10 (coasting voyages)	Affirmative resolution	12–18 months
6	L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, L-11	Primary legislation	12–36 months
7	L-9 (Amerindian exclusion, on survey capacity); L-10 (repeal superseded capacity rules, after S-7)	Primary legislation, commenced on condition	24–36 months
8	L-12 (repair the consolidation)	Direction to the Law Revision Commission	Concurrent throughout

Two dependencies must be respected. L-10 repeals the superseded capacity rules and must not be commenced before S-7 has made the replacement, or there will be no rule at all. L-9 removes an exclusion and should not be commenced before survey capacity exists in Region One, or it will impose an obligation nobody can discharge.

What can be in force within ninety days

Phase 1 requires one Gazette notice, one General Manager's regulation approved by the Minister, and four Minister's by-laws. Between them they would, on the author's assessment: bring every State vessel within the Certificate of Seaworthiness regime; bring the Region One wharves within the Government Wharves Act; require a single recorded maximum number of persons per vessel; require a signed and timed manifest lodged ashore before departure and preserved for seven years; prohibit departure with more persons aboard than lifejackets or survival craft places; and require a

written authority to sail certifying each of those matters, with any departure notwithstanding a deficiency authorised in writing at a level above the master.

None of that requires a sitting of the National Assembly.

Part E — Deficiency to Remedy Mapping

Every deficiency in the consolidated schedule at Part IX of the full analysis is mapped below to the remedy or remedies that address it. Where more than one remedy is listed, the earlier provides partial or interim relief and the later completes it.

No.	Deficiency	Remedies
1	State-vessel exemption on two different tests	I-1, L-11
2	"Commercial purposes" undefined	L-11
3	No substitute certificate or register for exempt vessels	I-1, I-2, I-13
4	Forfeiture to the State nugatory	L-7, L-8
5	Owner and regulator collapsed	L-1
6	No qualification prescribed for Harbour Master	L-1
7	State liable to itself on detention	L-1
8	Part I excludes State ships	S-10, L-2
9	Reports to the Board of Trade of the UK	L-2
10	Casualty regulation preserves nothing	I-11, I-13, L-2
11	No witness protection or use immunity	L-2, L-6
12	No duty to publish an inquiry report	L-2
13	Eight incompatible capacity rules	I-3, I-5, S-7, S-10, L-10
14	"Registered tonnage" undefined	L-10
15	s. 398(1)(c) never exercised	S-7
16	s. 4 wharf powers never exercised	S-1
17	Mabaruma and Port Kaituma not scheduled	S-2
18	s. 398(1)(b) never exercised	I-4, S-7
19	No form appointed for the s. 7(1) declaration	I-4, S-7
20	Application of the 2025 passenger information Act unresolved	S-7
21	Every safety subject is a power, not a duty	I-1, I-10, S-3, S-10
22	s. 298 never exercised — no domestic ferry code	I-5, I-9, S-3
23	s. 290 never exercised — no stability information	S-4
24	s. 302 never exercised — no load lines	S-5
25	s. 316 never exercised — no deck cargo standard	I-6, S-6
26	No hours of duty for seafarers	I-8, I-12, S-9
27	No alcohol limit or testing power at sea	I-7, S-9

No.	Deficiency	Remedies
28	No minimum age for a coasting master	S-9
29	No offence of causing death by reckless navigation	L-7
30	No offences by bodies corporate	L-4
31	No penalty-uprating mechanism	L-5
32	Compounding not excluded for safety offences	L-5
33	s. 10(4) never prescribed	S-8, L-8
34	Coasting trade widens contracting out	S-7, L-8
35	Liability limited to £100 gold value	L-8
36	Four unreconciled cargo liability regimes	L-8
37	SAR is one 1924 regulation	S-11, L-3
38	s. 452(e) never exercised; MRCC has no statutory basis	S-11, L-3
39	No maritime arm of the National SAR Plan	S-11, L-3
40	Lifesaving appliances not assumed aboard rescuing vessels	S-3, L-3
41	1924 railway rule-book governs State vessels	I-3 to I-13, L-1
42	Demerara bridge rules in neither chapter	L-12
43	No liability for delay from failure to open a bridge	L-12
44	Conflicting bridge and harbour authority	L-1, L-12
45	Roads Act ferry outside every maritime regime	S-10, L-12
46	Five chapters omit their own subsidiary legislation	L-12
47	Schedule of public roads omitted	L-12
48	Cap. 63:01 Schedule of Amended Laws absent	L-12
49	Two 2025 maritime Acts outside the chapters	L-12
50	L.R.O. footer discrepancy	L-12
51	Section numbering differs between editions	L-12
52	Amerindians excluded from Cap. 80:01 s. 33	L-9

No deficiency in the schedule is without a proposed remedy. Twenty-one of the fifty-two receive at least partial relief from an instrument requiring no step in the National Assembly.

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